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RIGHTS OF THE CHILD

Written statement submitted by Childhope Foundation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 April 1996]

1. CHILDHOPE welcomes the increasing recognition of the rights of the child by international human rights bodies, States and non-governmental agencies. This is most exemplified by the widespread ratification of the Convention on the Rights of the Child. However, CHILDHOPE remains concerned that many States parties are failing in their obligations under the Convention and other international and regional human rights instruments to protect children living and working on the streets against continuing gross and systematic human rights violations.

2. CHILDHOPE notes that the Convention on the Rights of the Child and the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights recognize the need to extend particular care to the child. It further notes that experience has shown that children living and working on the streets are among the most vulnerable groups in society who are forced to suffer a wide variety of serious human rights abuses. In particular, large numbers of street children continue to be subject to:

(a) Extrajudicial killings and disappearances by both governmental and non-governmental agents;

(b) Harassment, unlawful arrest and detention;

(c) Inhuman and degrading treatment whilst in detention, including torture;

(d) Sexual abuse and exploitation;

(e) An absence of a loving and stable environment which denies them the opportunity for personal and emotional well-being;

(f) Lack of access to education, health care and welfare.

3. Those children who, from an early age, are forced into becoming child labourers continue to lack the protection accorded to them under the Convention on the Rights of the Child, the appropriate International Labour Conventions and the International Covenant on Economic, Social and Cultural Rights. In particular, they fail to enjoy the rights to: freedom from all forms of economic exploitation; work according to fair terms and conditions of employment; not to be exposed to hazardous and unsafe working conditions; freedom of association.

4. CHILDHOPE is especially concerned that children living and working on the streets, including children in domestic service, because of their situation continue to fail to receive the recognition due to them and, to the contrary, are often marginalized and ignored by State authorities. If measures are taken they are rarely in the child's best interests, as stipulated by article 3 of the Convention on the Rights of the Child, but rather in the interests of the State, e.g. imprisonment without trial or committal to State orphanages.

5. However, CHILDHOPE also note the exceptional resilience of children living and working on the streets in the face of such abuses and the need to recognize their own capabilities in advocating that their rights should be respected. It also recognizes the ability and courage of those who work with, and on behalf of, such children, often in extremely dangerous circumstances, and the importance of providing them with the support and protection they require to carry out their work.

6. In the light of the above, and the particular problems faced by children living and working on the streets, CHILDHOPE would respectfully urge all member States to take the following measures:

(a) Guarantee to children living and working on the streets those rights and freedoms necessary to ensure their survival and development, as stipulated by the Convention on the Rights of the Child and other international and regional human rights instruments which they have ratified;

(b) Recognize the particular needs and protection required by children living and working on the streets and to take this into account when formulating domestic legislation and reporting to international human rights bodies, especially the Committee on the Rights of the Child, on the measures taken to address these requirements;

(c) Ensure that police and security forces guarantee that children living on the streets are not subject to discrimination in contravention of article 2 of the Convention on the Rights of the Child, deprivation of the inherent right to life contrary to article 6, cruel, inhuman or degrading treatment or deprivation of liberty unlawfully or arbitrarily, both contrary to article 37, and that the families of such children are provided with information as to their whereabouts as guaranteed by article 9 (4). States should also seek to further ensure that their judiciary and legal systems accord children living on the streets the protection of due process under the law as guaranteed by articles 37 and 40 of the Convention on the Rights of the Child;

(d) To afford the level of protection to child labourers as required by the appropriate standards contained in the conventions of the International Labour Organization and the International Covenant on Economic, Social and Cultural Rights and to outlaw those employment practices which are exploitative and/or dangerous;

(e) To take action to eliminate all forms of child prostitution and pornography, including the enactment of domestic legislation to prosecute adult offenders;

(f) To recognize the importance of participatory rights for children living and working on the streets, such as the freedom to express opinions and the freedoms of expression, thought and conscience and association and the right to have access to the mass media, as guaranteed by articles 12, 13, 14, 15 and 17 of the Convention on the Rights of the Child respectively, and the right of such children to have their privacy respected as guaranteed by article 16 and to take appropriate measures, including protection under the law, to facilitate and support their enjoyment of these rights;

(g) To take all necessary measure to support those working with, or on behalf of, children living and working on the streets in their countries, including ratification of the forthcoming United Nations convention on human rights defenders;

(h) To acknowledge that those economic and social conditions which result in an ever-increasing number of children living and working on the streets in Eastern Europe and the developing countries must be addressed as a matter of priority. In particular, CHILDHOPE notes the impact of debt, economic restructuring, armed conflict, environmental change, the spread of AIDS and the resurgence of diseases such as tuberculosis, rubella and malaria on marginalized children. It urges those wealthier States in the developed world which have yet to meet the United Nations aid target of 0.7 per cent of GDP to work progressively towards doing so, and for all developed States to pursue policies which seek to reduce the economic gap between themselves and poorer nations and to promote peaceful social development to the benefit of all disadvantaged children.